

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

TOLL BRIDGE INDUSTRY

AS APPROVED ON MAY 6, 1935



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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TOLL BRIDGE INDUSTRY

As Approved on May 6, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
TOLL BRIDGE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to the Code of Fair Competition for the Toll Bridge Industry, and an opportunity to be heard having been afforded to all interested parties and a report on said amendments containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby adopt and incorporate herein by reference said report; does find that said amendments (in the form set forth in the Schedule referred to below) and the code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said amendments (in the form set forth in the Schedule annexed hereto, marked Schedule "A", and by this reference made a part hereof) be and they hereby are approved and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD.
By W. A. HARRIMAN,
Administrative Officer.

Approval Recommended:

L. H. PEEBLES,
Division Administrator.

WASHINGTON, D. C.,
May 6, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for amendment of Article VI of the Code of Fair Competition for the Toll Bridge Industry.

The Code of Fair Competition for the Toll Bridge Industry was approved on May 17, 1934. Article VI, Section 10, provides that:

"(10) All members of the industry shall furnish to the Code Authority, through an impartial agency, such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the Administrator."

Article VI, Section 12, of said Code, provides that:

"(12) The Code Authority shall cooperate with the Administrator in regulating the use of any NRA insignia solely by those members of the industry who have assented to and are complying with this Code."

Amendment No. 1 of the Code of Fair Competition for the Toll Bridge Industry was approved on December 20, 1934, provided, however, that the first sentence of Section 10 and the whole of Section 12 of Article VI of said Code be stayed pending further order of the National Industrial Recovery Board.

Subsection (b), Section 8, Article VI, of Amendment No. 1, provides that:

"(b) To obtain from members of the industry such information and reports as are required for the administration of the Code."

This Subsection (b) of the amendment is inconsistent with the first sentence of Section 10, Article VI, of the Code.

The proposed amendment deletes the first sentence of Section 10, Article VI, of the Code, so that this Section shall read as follows:

"(10) In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of

any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator."

Paragraph 2, Subsection (e), Section 8, Article VI, of Amendment No. 1, provides that:

"2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration."

This paragraph 2, Subsection (e), Section 8, Article VI, of the Amendment is inconsistent with Section 12, Article VI, of the Code.

The proposed amendment deletes Section 12, Article VI, of the Code, and amends Section 13, Article VI, of the Code, by changing the Section number thereof from "(13)" to "(12)".

The inconsistencies between the Sections of the Code and the Sections of Amendment No. 1 are eliminated by the proposed amendment.

FINDINGS

The Deputy Administrator, in his final report to the National Industrial Recovery Board on said amendment of said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment of said Code will eliminate certain inconsistencies between Sections of the Code and Amendment No. 1. Said inconsistencies are occasioned by a conflict in the wording of the Code and the wording of the model clauses of Amendment No. 1. The elimination of these inconsistencies have no economic significance and will not create any inequitable conditions, as between members of the Industry.

(b) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstruction to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving

unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(c) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(d) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(e) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(f) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(g) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, this amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN, *Administrative Officer*.

MAY 6, 1935.

Approved Code No. 431—Amendment No. 2.
Registry No. 1713-2-15.

SCHEDULE "A"

Section 10, Article VI of the Code of Fair Competition for the Toll Bridge Industry is hereby amended by deleting the first sentence thereof so that this Section shall read as follows:

"(10) In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator."

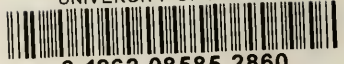
Section 12, Article VI of said Code is hereby deleted.

Section 13, Article VI of said Code is hereby amended by changing the Section number thereof from "(13)" to "(12)".

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